

FILED 09 DEC 18 2009 USDC OR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAN HUTCHINSON, Civ. No. 08-997-CL
Plaintiff,

v.

MICHAEL J. ASTRUE, ORDER
Commissioner, Social
Security Administration,

Defendant.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I have given this matter *de novo* review. I find no error. Accordingly, I ADOPT the Report and Recommendation of Magistrate

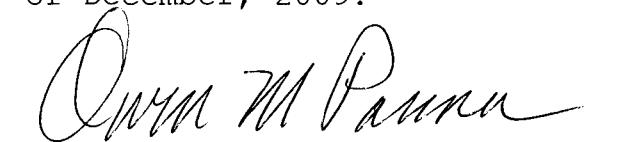
Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#26) is adopted. Pursuant to sentence four of 42 U.S.C. § 405(g), defendant's motion to remand (#23) is granted in part, and the decision of the Commissioner is reversed and remanded for an award of benefits.

IT IS SO ORDERED.

DATED this 17 day of December, 2009.



OWEN M. PANNER
U.S. DISTRICT JUDGE